

# MAINE STATE LEGISLATURE

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N I N E T I E T H            L E G I S L A T U R E

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**Legislative Document**

**No. 865**

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(Transmitted from the Revisor of Statutes under Joint Order)

H. P. 1526                      House of Representatives, February 14, 1941.

Referred to Committee on Legal Affairs. Sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Shesong of Portland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-ONE

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**AN ACT Relating to Correction of Vital Records.**

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Be it enacted by the People of the State of Maine, as follows :

**P. L., 1933, c. 1, § 79, amended.** Section 79 of chapter 1 of the public laws of 1933 is hereby repealed and the following enacted in place thereof :

**'Sec. 79. Correction of vital records.** After December 31st, 1941 until 6 months shall have elapsed from the date of filing of a vital record, a town clerk shall have discretion to correct a record of birth, marriage or death, but only after satisfying himself by affidavits and evidence that an error was made at the time of filing.

Clerks may permit correction of incorrectly spelled names but shall not permit the substitution of different family name or given names for those entered in the original record, except as provided in section 70-A, which was enacted by chapter 114 of the public laws of 1935.

The addition of a child's given name to a birth record, if the birth was recorded before the child was named, shall not be considered a correction.

To correct a record the town clerk will draw lines through, but not erase, the items to be altered and insert the corrective words or figures. The clerk

shall also endorse the record "altered" and add the date of the alteration to indicate that the change was made in accordance with this section.

With the next monthly return of vital records to the state registrar the clerk will forward a copy of his amended record. This copy will show the altered items, with lines drawn through them, and the corrected items inserted, together with endorsements "altered," the date of alteration and in lieu of the name of the person who filed the original record, the name of the person who instituted the alteration.

By authority of the clerk's amended record the state registrar will thereupon alter his record so that it shall be in all respects like that of the town clerk.

Any certified copy of the altered record thereafter issued either by the town clerk or by the state registrar shall bear the endorsement "altered" and the date of such alteration.

Correction of records filed before the effective date of this act may be made by town clerks in the manner provided above without reference to the 6 months' period.

When any vital record filed after December 31st, 1941 is alleged to be incorrect and 6 months have elapsed since the date of filing, the town clerk shall not alter such record except by order of the probate court of the county in which the event took place, or by a court of competent jurisdiction.

Except as provided in the following paragraph of this section, the town clerk shall receive no fee for altering a record within the 6 months prescribed nor for any oath administered by him in connection with the alteration. For altering a vital record by order of a court the town clerk may collect 25c.

If an original record of birth bears the endorsement by signature of a parent that the items comprising the legal requirements of a birth record are correct both as to spelling and as to information contained, the town clerk shall have discretion to accept, within 6 months of the date of the original filing, from any person whose duty it was by law to report the birth, a correction in the manner prescribed by this section. The town clerk may collect 25c for a fee for such alteration.

Town clerks shall maintain a permanent record of the evidence on which in accordance with the provision of this section vital records have been altered. If a town clerk lacks authority, or in his discretion refuses, to accept the evidence of an alleged error in a record of birth, marriage or death, then the probate court of the county in which the event took place shall have authority to examine evidence and hear testimony relative to such a record and may order the alteration of the town record according to its findings.